

**LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**  
**December 9, 2013 AGENDA**

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**A. CALL TO ORDER**

Business Meeting, Monday, December 9, 2013, 8:30 a.m., 630 Camp Street, New Orleans, 5<sup>th</sup> Floor.

Personal Appearances; Monday, December 9, 2013, 11:00 a.m.

Formal Administrative Hearing, Monday, December 9, 2013, 3:00 p.m.

**B. MINUTES/PRIOR MEETINGS/CONFERENCES**

Approval of minutes of last meeting.

Status report on action items of prior Board meetings.<sup>1</sup>

Report on assignments to counsel.

**C. RULINGS AND ADVISORY OPINIONS**

Respiratory Therapy; Scope of Practice; Administration of Injections.

Sonographer; Scope of Practice.

Respiratory Therapy; Scope of Practice; Case Manager.

Respiratory Therapy; Scope of Practice; Insertion of PICC and Venous Lines; Drawing Venous Blood.

Use of Qsymia for Chronic Management of Weight Loss.

**D. COMMUNICATIONS AND INFORMATION**

David Landry, M.D., FMG's

Louisiana State Board of Examiners of Psychologists.

Annual Report on the USMLE.

Louisiana Department of Revenue.

Federation of State Medical Boards; Tele-Med Act of 2013.

Louisiana Physical Therapy Board.

**E. GENERAL ADMINISTRATIVE MATTERS<sup>1</sup>**

Financial Report.

President's Report.

Executive Director's Report.

LA St Radiologic Technology Board of Examiners; Licensure; Radiologist Assistants.

Request for VBAC approval.

Request for Clarification of Back-up Physician.

Proposed Amendment to the Medical Practice Act.

*Newsletter*, next edition draft.

**F. RULES AND REGULATIONS - REPORT**

**Final Rules/Amendments:** None published since the last meeting of the Board.

**Rules/Amendments: Noticed for Intent:** **Occupational Therapy:** The Board received a request to consider alternatives to the limit on the number of examination attempts currently permitted by its rules for licensure as an occupational therapist. Following discussion, the Board requested that a draft be prepared for its review. A draft of the proposed amendments was considered by the Board at its December 2012 and January and February 2013 meetings and additional recommendations were suggested. A revised draft was presented for review and consideration at its March 2013 meeting. Following review and discussion, the Board voted to provide *Notice of Intent* to adopt the rule amendments. Said *Notice of Intent* appeared in the August 2013 edition of the *Louisiana Register*. No comments were received by the Board during the comment period. Accordingly, it is anticipated that the amendments will be adopted upon promulgation in the December 2013 edition of the *Louisiana Register*. **Physicians and Surgeons – Dispensing:** During its February 2013 meeting, the Board gave consideration to a request to provide for dispensation registration for non-controlled substances following a physician's completion of a graduate medical education training program and passage of an online or other

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<sup>1</sup> May be considered by the Board in executive session pursuant to La.Rev.Stat. § 42:6.1A(1).

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Board-offered course on dispensing. Following discussion, the Board requested that a draft amendment to Section §6513 of its dispensing rules be included on its March 2013 agenda. Following review and discussion of a draft amendment to Section §.6513 of its dispensing rules, during the March 2013 meeting, the Board voted to provide *Notice of Intent* to adopt the rule amendment. Said *Notice of Intent* appeared in the August 2013 edition of the *Louisiana Register*. No comments were received by the Board during the comment period. Accordingly, it is anticipated that the amendments will be adopted upon promulgation in the December 2013 edition of the *Louisiana Register*.

**Physicians and Surgeons – Licensure:** The Board expressed a desire to consider alternatives to the requirement of the passage of SPEX/COMVEX-USA for those who had taken and passed a written medical competency examination more than 10 years prior to the date of application. A draft was considered at the December 2012 meeting and following review of various options at its January and February 2013 meetings, the Board made additional recommendations and requested that a revised draft be returned to the agenda for consideration. Following review and discussion at the March 2013 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments. Said *Notice of Intent* appeared in the August 2013 edition of the *Louisiana Register*. One comment was received during the comment period and was considered by the Board during its September 2013 meeting. The Board's response to the comment is included in the legislative report. Given that the time for an oversight hearing has passed, it is anticipated the amendment will be adopted upon promulgation in the December 2013 edition of the *Louisiana Register*.

**Physicians and Surgeons – Out of State Physician Orders:** Pursuant to Act 44 of the 2011 session of the Louisiana legislature, rules are being developed to accommodate out-of-state physicians (those licensed in any state other than Louisiana) who order routine diagnostic testing for established patients in this state provided: the physician-patient relationship was initiated through in-person, face-to-face visit with the physician in another state; the order can be verified; and the results of all testing are provided directly to the ordering out-of state physician. Drafts were considered by the Board at its December 2012 and January 2013 meetings of the Board and made additional recommendations. Following review and discussion of various options at its December 2012 and January 2013 meetings, the Board made additional recommendations at its February 2013 meeting and requested that a revised draft be returned to the March 2013 meeting. Following review and discussion of the revised draft at the March 2013 meeting, the Board voted to provide *Notice of Intent* to adopt the rule amendments. Said *Notice of Intent* appeared in the August 2013 edition of the *Louisiana Register*. No comments were received by the Board during the comment period. Accordingly, it is anticipated that the amendments will be adopted upon promulgation in the December 2013 edition of the *Louisiana Register*.

**Polysomnography:** The Board received a proposed draft of new rules for polysomnographers from its advisory committee on polysomnography. A revised draft was presented to the advisory committee for its review and comments. The draft was approved with suggestions for modification during the Committee's meeting on September 16, 2011. During its October 2011 meeting, the proposed rules were presented to the Board along with the Committee's suggestions for initial review and discussion. Following discussion, the Board proposed certain modifications to the draft and asked that a revised draft be presented at its next meeting. The Board subsequently received nearly identical suggestions as those of the Committee's from two national organizations. During the December 2011 meeting, the Board approved a response to the Committee and organizations, along with a revised draft of proposed rule amendments that incorporated the suggestions

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of its staff, as well as the Committee and the organizations to the extent the Board found them acceptable, and voted to provide *Notice of Intent* to adopt the amendments. Given changes to the law during the 2012 session of the Legislature, a revised draft of rules was presented to the Board for review and consideration at its April 2013 meeting. Following review and discussion during its July 2013 meeting, the Board voted to provide *Notice of Intent* to adopt the rules. Said *Notice of Intent* appeared in the September 2013 edition of the *Louisiana Register*. One comment was received during the comment period and was considered by the Board during its October 2013 meeting. The Board's response to the comment is included in the legislative report. Given that the time for an oversight hearing has passed, it is anticipated that the amendments will be adopted upon promulgation in the December 2013 edition of the *Louisiana Register*. **Physicians and Surgeons – Collaborative Drug Therapy Management ("CDTM"):**

During its August 2012 meeting, the Board discussed the concept of certain potential amendments to the existing rules which were jointly promulgated with the Louisiana Board of Pharmacy in 2007. The Board expressed a willingness to consider a draft of the proposed suggestions in due course. Following discussions with a representative of the Louisiana State Board of Pharmacy, a draft detailing proposed amendments to the rules was submitted for initial Board review and discussion at its April 2013 meeting. The Board discussed the proposed amendments during its May and June 2013 meetings and suggested modifications. Following review and discussion of a revised draft during its July 2013 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments. Said *Notice of Intent* appeared in the September 2013 edition of the *Louisiana Register*. No comments were received by the Board during the comment period. Accordingly, it is anticipated that the amendments will be adopted upon promulgation in the December 2013 edition of the *Louisiana Register*.

**Rules/Amendments under Development: Perfusionists:** The Perfusion Advisory Committee prepared an initial draft of administrative rules for this category of allied health care professionals. A revised draft was received and is being studied. Following a number of revisions to conform the rules to the law and review by staff, a revised draft was forwarded to the Committee Chair for review. The Committee's chair had no additional suggestions for revision or modification. A draft of the rules was presented for initial consideration at the September 2013 meeting. Following review and discussion, the Board voted to provide *Notice of Intent to Intent* to adopt the rules at its October 2013 meeting. **Physicians and Surgeons – Office-Based Surgery:**

The Board considered suggestions for amendment of its office-based surgery rules. A revised draft incorporating the suggested changes was considered and further suggestions were presented in a revised draft. Following review and discussion, the Board voted to provide *Notice of Intent* to adopt the rule amendments. Prior to publication of said *Notice of Intent*, staff suggested additional changes at its August 2013 meeting relative to the performance of office-based procedures using moderate or conscious sedation. Pursuant to the Board's instructions, a revised draft is presented for further consideration. **Midwifery:**

Given changes to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, staff anticipates presenting revisions to its existing rules in due course for the Board's consideration and discussion. **Physicians and Surgeons – Unprofessional Conduct:** During its April 2013 meeting, the Board expressed a desire to consider the development of rules correlating a physician representing himself or herself as a specialist in a particular field of practice with appropriate formal training in that field. Pursuant to the Board's direction, a draft of such rules is being prepared for initial review and consideration. The draft also includes a prohibition against a physician prescribing of controlled substances to one's self or

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immediate family members in the absence of an emergency. A draft was submitted for the Board's review at its August and September 2013 meetings. At its October meeting, the Board determined to defer that part of the proposed rule dealing with self-prescribing and to provide *Notice of Intent* to adopt the amendments on unprofessional conduct in the *Louisiana Register*.

**G. MALPRACTICE COMMITTEE REPORT<sup>1</sup>**

Professional liability reports.

**H. REPORTS INVESTIGATIONS/ADJUDICATIONS/LITIGATION<sup>2</sup>**

Investigation reports.

Formal hearings and personal appearance schedule.

**I. LITIGATION**

Reports on pending appeals/suits/petitions.

**J. ADJUDICATION REPORT<sup>2</sup>**

None submitted for this month.

**K. GENERAL DISCIPLINARY MATTERS<sup>2</sup>**

Requests for additional supervising physicians.

Requests for modification of the terms of a Board order.

Requests for reinstatement of licenses, off probation.

**L. LICENSURE AND CERTIFICATION<sup>1</sup>**

Clinical Laboratory Personnel non-routine applicants.

Athletic Trainers, non-routine applicant.

Occupational Therapists, non-routine applicants

Polysomnography, non-routine applicant.

Respiratory Therapy, non-routine applicants.

**Graduates of International Medical Schools**

Non-routine applicants.

**Graduates of US/Canadian Medical Schools**

Non-routine applicants.

**Miscellaneous Licensure Matters**

Fingerprint review.

Reinstatement/Relicensure applicants.

Licensees suspended for non-renewal.

**M. NEW BUSINESS**

**N. NEXT MEETING**

Next meeting of the Board – January 13, 14, 2014.

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2 Regularly considered by the Board in executive session pursuant to La.Rev.Stat. § 42:6.1A(1)(4).